

Date: February 6, 2023

Date Minutes Approved: 02/13/2023

TOWN CLERK

2023 FEB 14 AM 11:35

DUXBURY, MASS
OPEN SESSION MINUTES

SELECTBOARD

Present: Fernando Guitart, Chair; Cynthia Ladd Fiorini, Vice Chair; Michael McGee, Clerk; Theodore J. Flynn and Amy M. MacNab

Absent: None

Staff: René Read, Town Manager; John Q. Adams, Finance Director; and Nancy O'Connor, Executive Assistant

CONVENED IN OPEN SESSION (*in-person and Via remote participation by Zoom*)

1. **CALL TO ORDER** This meeting was called to order at approximately 7:00pm. Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted in person and, as a courtesy, via remote means in accordance with applicable law. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public and board members, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless required by law. A transcript or other comprehensive record of proceedings will be available as soon as possible after the meeting. Members of the public who wish to watch the meeting may do so by viewing the Duxbury Government Access Channels – Verizon 39 or Comcast 15. Viewers can visit www.pactv.org/duxbury for information about Duxbury programming including streaming on Duxbury You Tube, to watch replays and Video on Demand.

2. **PLEDGE OF ALLIGIANCE**

3. **OPEN FORUM**

4. **NEW BUSINESS**

Discussion and vote pertaining to the use of ARPA funding for the purpose of funding an additional assessment related to the designed closure plan for the former Duxbury Landfill Inc./McNeil Dump – presented by John Q. Adams, Finance Director

Mr. Adams stated that he would like to use some of the ARPA funds awarded to the Town of Duxbury and eliminate this article from the Town Meeting warrant. Ms. MacNab asked where this amount came from. Mr. Adams replied that the figure came from Weston & Sampson.

Mr. McGee moved to approve the use of up to \$485,000 in ARPA funds for the Initial Site Assessment, Comprehensive Site Assessment, Corrective Action alternatives analysis, and corrective action design related to solid waste management at the former Duxbury Landfill Inc./McNeil Dump property on Mayflower Street and if the request to Plymouth County ARPA should be denied, to further approve the use of our own local ARPA funding under the category of "Revenue Loss."

Seconded by Mr. Flynn *Vote: 5:0:0*

Selectboard votes to sign February 28, 2023 Special Town Meeting Warrant

Mr. McGee moved that the Selectboard sign the February 28, 2023 Special Town Meeting Warrant.

Seconded by Mr. Flynn Vote: 5:0:0

Ms. MacNab stated that this Special Town Meeting outside of our Annual Town Meeting, which was generated due to a Citizens' Petition for a zoning change. She wanted to inform the residents that this is the only opportunity to vote on a significant change to our zoning by-laws. She also mentioned that the Planning Board Public Hearing is 2/13 at 6pm.

Selectboard votes to re-open the Saturday, March 11, 2023, Annual Town Meeting Warrant

Mr. McGee moved that the Selectboard re-open the Annual Town Meeting Warrant to accommodate changes as recommended by the Town Manager and/or the Selectboard.

Seconded by Ms. MacNab Vote: 5:0:0

Mr. Read explained his recommendations to re-open the warrant to accommodate changes in order to present a more accurate document to the voters at Annual Town Meeting. He noted that Article 4, as mentioned in his memo to the Selectboard, will not be discussed tonight, but will be discussed at a future meeting. Article 5 includes Finance Committee recommendations; and Article 6 included both FC and FAC recommendations.

There was a lengthy discussion regarding the word "shall" in Articles 12 and 13 and whether or not to change the word "may" as it relates to assessing betterments.

Motion regarding language of Articles 12 and 13:

Mr. McGee moved that the language in Article 12 and Article 13 will remain as is.

Ms. MacNab seconded Roll Call vote: Mr. Flynn-Nay; Ms. Ladd Fiorini-Nay; Mr. McGee-Aye, Ms. MacNab-Aye; and Mr. Guitart-Aye

Article 15 – Remove from the warrant – Solid Waste Management at the former Duxbury Landfill Inc/McNeil Dump property on Mayflower Street – ARPA funding will be used for this project.

Article 17- Remove from the warrant – Transfer Care and Custody of a Parcel of Town Land to the Duxbury Affordable Housing Trust – 0 Kingstown Way (per the request of the DAHT)

Article 22 – Requisite revisions to the article itself

If acceptable, these changes would be made, and the articles would be re-numbered accordingly.

Selectboard votes to support and recommend approval of the following ATM Articles:

Article #2 – Reports

Mr. McGee moved that the Selectboard support and recommend approval at the March 11, 2023 Annual Town Meeting Article #2 regarding Reports, as presented

Seconded by Mr. Flynn Vote: 5:0:0

Article #5 – Operating Budget

Mr. McGee moved that the Selectboard support and recommend approval at the March 11, 2023 Annual Town Meeting Article #5 regarding Operating Budget, as presented

Seconded by Mr. Flynn Vote: 5:0:0

Ms. MacNab mentioned that she was concerned about a possible override and that she would like to do everything to avoid an override for our residents.

Article #6 – Capital Budget

This article was not voted on at this time. It will be discussed at a future meeting.

Article #7 – Small Equipment and Minor Services

Mr. McGee moved that the Selectboard support and recommend approval at the March 11, 2023 Annual Town Meeting Article #7 regarding Small Equipment and Minor Services, as presented

Seconded by Mr. Flynn Vote: 5:0:0

Article #9 – Duxbury Beach Lease *(presentation by Ms. Cris Luttazi, DBR Exec. Director)*

Mr. McGee moved that the Selectboard support and recommend approval at the March 11, 2023 Annual Town Meeting Article #9 regarding Duxbury Beach Lease, as presented

Seconded by Mr. Flynn Vote: 5:0:0

Ms. Cris Luttazi's (Exec Director of DBR) presentation can be found in the Selectboard's clerical packet file. This presentation emphasized DBR's mission to preserve and protect the coastline, the benefits of a barrier beach, the partnership with the Town over the years, Envision Duxbury's expectations, proactive and maintenance measures, historic events, and DBR's Master Plan.

It was also noted that the Finance Committee voted 8:0:1 in favor of this article.

Article #10 – Fourth of July Appropriation

Mr. McGee moved that the Selectboard support and recommend approval at the March 11, 2023 Annual Town Meeting Article #10 regarding Fourth of July Appropriation, as presented

Seconded by Mr. Flynn Vote: 4:0:1 (Ms. MacNab abstained as her husband is on the committee)

Article #11 – Educational Cable Access and Technology

Mr. McGee moved that the Selectboard support and recommend approval at the March 11, 2023 Annual Town Meeting Article #11 regarding Educational Cable Access and Technology, as presented

Seconded by Mr. Flynn Vote: 5:0:0

Article #12 – Funding of Design, Permitting and Construction of Seawall-Related Duxbury Beach Nourishment Project

After lengthy discussion, it was decided that the Selectboard would not vote on this Article or Article 13. These two articles will be discussed at a future meeting.

Article #13 – Funding of Engineering, Design, Permitting and Construction of the Duxbury Beach Seawall

Not voted on – to be discussed at a future meeting.

Article #14 - PFAS Monitoring and Sampling at the Town Transfer Station

Mr. McGee moved that the Selectboard support and recommend approval at the March 11, 2023 Annual Town Meeting Article #14 regarding PFAS Monitoring and Sampling at the Town Transfer Station, as presented. *Seconded by Mr. Flynn* *Vote: 5:0:0*

Article #15 – Expenditure of Opioid Settlement Funds

Mr. McGee moved that the Selectboard support and recommend approval at the March 11, 2023 Annual Town Meeting Article #16 regarding Expenditure of Opioid Settlement Funds, as presented *Seconded by Mr. Flynn* *Vote: 5:0:0*

Selectboard votes to close the Saturday, March 11, 2023 Annual Town Meeting Warrant

Mr. McGee moved that the Town Manager makes all recommended changes to the articles as recommended by the Town Manager and that the Selectboard close the Saturday, March 11, 2023 Annual Town Meeting Warrant. *Seconded by Mr. Flynn* *Vote: 5:0:0*

Selectboard votes to sign the Saturday, March 11, 2023 Special Town Meeting Warrant

Mr. McGee moved that the Selectboard sign the Saturday, March 11, 2023 Annual Town Meeting Warrant. *Seconded by Ms. MacNab* *Vote: 5:0:0*

Selectboard votes to sign the Saturday, March 11, 2023 Special Town Meeting Warrant

Mr. McGee moved that the Selectboard sign the Saturday, March 11, 2023 Special Town Meeting Warrant. *Seconded by Mr. Flynn* *Vote: 5:0:0*

5. TOWN MANAGER'S REPORT

A couple of quick updates...

I spoke with the Superintendent last week and earlier today and the Social Media Parent Night with Elizabeth Englander originally scheduled for Tuesday, February 28, 2023, at 7:00 p.m., in the DMS/DHS Presentation Hall is going to be re-scheduled to another date and time so that residents will be able to attend the Special Town Meeting scheduled for that same night. My thanks to Dr. Klingaman and to Ms. Englander for their patience and understanding in accommodating us on these changes.

Finance Director John Adams has been doing yeoman's work in producing the Town's very first budget book and that document will be going live later this week – hopefully tomorrow or Wednesday. When it does, I will be sure to send everyone the link so that you can see that work he has done – it's a remarkable product that represents countless hours of data collection and presentation all boiled down into one, easy-to-follow source with lots of great information. John, you have my sincerest gratitude in putting this together.

Discussion regarding a Grant Writer position was mentioned. Rene shared the following information sent to Ms. Sullivan, Chair of the Finance Committee:

Hi Betsy,

I wanted to follow-up with you on the idea of creating a Grant Writer/Specialist position since I've recently heard it mentioned a couple of times.

This year I kept a tally of future staffing requests/needs to be considered in FY24 or FY25. This is the list I have so far and please understand, these suggestions were either made by department heads directly or mentioned in passing and I did not suggest any of these positions myself. One was suggested as recently as this morning (Thursday, 2/2/23):

- Assistant Town Planner
- Librarian
- Maintenance Manager – Facilities Department
- Police officer (3)
- Assistant Conservation Agent (Conservation Specialist)
- Procurement Specialist/Purchasing Agent
- Grant Writer/Specialist
- Assistant Town Manager
- Administrative Support Staff for the following:
 - Local Historic District Commission
 - Finance Committee
 - Coastal Resiliency Task Force
- Retain all Federal ESSER (Elementary and Secondary School Emergency Relief Fund) employees
- Senior Center evening custodian (with IT experience) to provide assistance for meetings
- Change a Senior Center part-time Kitchen Assistant position to a full-time position
- Change a part-time IT intern to a full-time position

As you know, of this list, only one position was included in this year's budget – one police officer. Like the Police Officer position, the Recreation position at the Percy Walker Pool is a vacant, existing position.

Over the past couple of weeks, interest has been expressed in creating/hiring a Grant Writer position.

While I think this could ultimately be a valuable position, there are several reasons why this cannot be achieved at this time.

When we create any position, the Finance Director, Human Resources Director and I meet with the department head suggesting the creation of a new position. In the specific case of a grant writer position, it is not clear at this time which department would oversee the position. This is important because if we based position oversight solely on current grant volume, right now that oversight could be found in the ROCCC, the Planning Department or the Senior Center since these three departments constitute the bulk of our departments seeking and obtaining grants at this time. On the two occasions I've heard the idea of having a grant writer position, neither one had anything to do with any of these departments as the consideration was given only in light of either pursuing seawall grants (more closely aligned with the Planning Department) or PFAS grants (more closely aligned with the DPW).

The sheer volume of grant opportunities amongst just these 5 departments could provide the rationale for a full-time, stand-alone position, but that idea also needs further review.

As part of our long-standing process, we create a job description based on comparative data we acquire from a number of sources in other towns to see what the primary and ancillary functions any position might contain. At a minimum, we review the reporting structure related to a position to determine which department would provide administrative oversight; we perform a comparative salary data analysis to determine the grade and pay range for a position within our personnel pay scale; we draft a job description that outlines the duties of a position; we determine if a position will be full-time or part-time and if the former, what the impacts will be regarding benefit eligibility and a variety of other tasks related to position creation.

Once we have all amassed all of that information, we then present a case for consideration to the Finance Committee, Selectboard and ultimately the voters at Town Meeting via Article 4 of the ATM warrant. All of this takes a considerable amount of time to prepare – and never mind that we don't have the funding for it to begin with.

My own work experiences have found that an often a better scenario for a grant writer position is found within an Assistant Town Manager position (and please understand, I am NOT making a case here for an Assistant Town Manager – this is just for illustrative purposes).

I have seen Asst. TM's who have either Procurement Specialist/Purchasing Agent or Grant Writer/Specialist functions within their job descriptions...or both. There are a number of municipalities nearby who have also have stand-alone Procurement Specialist/Purchasing Agent or Grant Writer/Specialist positions as well. I can easily make a MUCH stronger case for hiring a Procurement Specialist/Purchasing Agent right now than I could for a Grant Writer/Specialist. You may recall that Scott Lambiase used to handle the large majority of procurement which Richard assigned him that task. Since August, I've taken over the majority of the larger procurement projects (from bidding or bidding oversight all the way through to contract administration) either directly or indirectly on the following:

DPW Owner's Project Manager

Percy Walker Pool Repairs

Turf Field replacement

Powder Point Bridge repairs

Harrington property RFP

DSU lease (which I've been trying to get off the ground for over a year and hope to have a bid package ready in the next week or so)

Not to get too far afield but to help with this workload, I've had the Town Accountant, the Building Commissioner and the Facilities Director all pursue an MCPPO certification (to date, the Town Accountant has received her certification – and that's been a godsend, the Building Commissioner has completed the coursework and is awaiting the actual certification document and the Facilities Director is in the midst of taking the classes to receive her certification in the next few months).

Grant writer positions often find justification from their advocates stating that the position will “pay for itself” particularly if the position is funded by a grant in the first place. I’ve seen too many cases where a position like this, that is funded solely on grants to keep the position, face extinction when the grants themselves dry up that brought them in in the first place. I’m not suggesting that anyone is offering that idea, but it will come up.

All of this said, it doesn’t mean that we should not consider it. I think we should, but next year, as part of an override. Any of the positions I’ve listed above could (and should) also be considered as part of that same override. That’s part of the purpose of such a measure. The addition of these positions will help to address the demands placed on staff to provide services that the residents seem to want. It’s important to remember that overrides aren’t intended to solely keep maintain the status quo, they also position a town to be able address the future needs of a community and in this case, some of those needs are expressed and may be best addressed in the addition personnel I’ve noted above. And to go beyond just staffing, an override would certainly be necessary to fund all-day kindergarten which could ultimately become a centerpiece of an override initiative.

Of course, these ideas should (and I’m sure will) be discussed in a much larger forum but these are my initial thoughts.

*Thanks for reading and I’ll see you tonight,
Rene’*

6. COMMITTEE APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS

Mr. Guitart moved to accept the Resignation of Candace Martin from the Seawall Committee and thanked her for her service. *Seconded by Mr. Flynn Vote: 5:0:0*

7. ONE-DAY LIQUOR LICENSE REQUESTS

3/18/23 Duxbury Rotary Club – Trivia Night

Mr. McGee moved that Ms. Barbara Mello, as a representative of the Duxbury Rotary Club, is granted a One-Day Wine & Malt License to hold a Trivia Night on Saturday, March 18, 2023 from 6:00 PM to 9:00 PM at the Duxbury Senior Center, 10 Mayflower Street, contingent upon the conditions of the license. *Seconded by Mr. Flynn Vote: 5:0:0*

8. EVENT PERMITS

04/08/2023 Duxbury Youth Baseball Opening Day

Mr. McGee moved that Mr. Gary Williamson, as the President of Duxbury Youth Baseball, is granted permission to hold Duxbury Youth Baseball’s Opening Day event on Saturday, April 8, 2023 from 9:30am to 12:00pm (approx.) at Train Field located on Alden Street, and contingent upon the conditions of the permit. *Seconded by Mr. Flynn Vote: 5:0:0*

06/04/2023 4th Annual Duxbury Fitness 5K

Mr. McGee moved that Ms. Anne Marie Winchester, as a representative of the South Shore Race Management, LLC, is granted permission to hold the 4th Annual Duxbury Fitness 5K Road Race in Duxbury on Sunday, June 4, 2023, from 9:00 AM to 11:00 AM and, contingent upon the conditions of the permit. *Seconded by Mr. Flynn Vote: 5:0:0*

07/04/2023 DEF July 4th Road Race

Mr. McGee moved that Ms. Kristy Ladieu, as a representative of the Duxbury Education Foundation, is granted permission to hold a road race on Tuesday, July 4, 2023, beginning at 6:00 AM (registration) to approximately 11:00AM as described in the application materials and, contingent upon the conditions of the permit. *Seconded by Mr. Flynn Vote: 5:0:0*

9. MINUTES

Mr. McGee moved to approve the 01/30/23 Selectboard Executive Session Minutes, as amended, with the contents to remain confidential until the need has passed.

Seconded by Mr. Flynn Vote: 4:0:1 (Mr. Guitart abstained as he was absent)

10. ANNOUNCEMENTS

1) Powder Point Bridge Closure

The Powder Point Bridge will be closed to vehicles and pedestrians for ongoing bridge repairs starting Friday, February 10, 2023 until further notice. It was mentioned that the work is expected to be completed by mid-March – weather permitting.

2) Next Scheduled Selectboard's Meeting will be on Monday, February 13, 2023 at 7:00pm.

11. ADJOURNMENT

Mr. Guitart moved to adjourn at approximately 9:45pm.

Seconded by Mr. Flynn Vote: 5:0:0

Minutes submitted by Nancy O'Connor

List of documents in Selectboard file:

Selectboard Agenda

Motion re ARPA funds and documentation

Motions to re-open and close the ATM Warrant

Motions to sign warrants

Committee Resignation

ODLL

Event Permits

Minutes

Announcements